

Question 44: H.15, EMCBC-H-1006. Will major or critical subcontractors be allowed to perform minor subcontract procurement and if so, is Government consent required prior to issuing order of services?

Answer: Contractors designated as major or critical subcontractors in Clause H.15, **Major or Critical Subcontracts—Designation and Consent**, can also be subcontractors for work other than the areas of Environmental Remediation, Demolition, Regulatory Services, and Radiological Controls and Safety identified in Clause H. 15. However, contractors must also comply with the requirements of Clause I.156 FAR 52.244-2 Subcontracts - Alternate I, which will be completed in each individual Task Order, as applicable.

Question 45: H.23 EMCBC-H-1014 Please provide a range of the magnitude of insurance coverage and performance and payment bonds that may be required by individual Task Orders.

Answer: The types and amount of insurance coverage and whether any performance and payment bonds will be required as well as the amount may vary depending upon a number of factors, including the location of and the work to be performed. Thus, the types and amounts will be determined at the Task Order level. In accordance with Clause H.23 **Required Insurance and Bonds**, paragraph (b) "The insurance required by this clause shall be written for not less the limits of liability specified in the Task Order or required by law, whichever coverage is greater." See Clause I.28 FAR 52.216-19, **Order Limitations** for the minimum and maximum order limitations.

Question 46: I.131, page 51. Please provide the range of magnitude of liquidated damages that may be required by individual task orders.

Answer: The applicability of Clause I.131 FAR 52.211-11 **Liquidated Damages – Supplies, Services, or Research and Development** to an individual Task Order will be made on a task order by task order basis in accordance with FAR 11.501. The amount of liquidated damages, if included, in an individual Task Order will be made on a task order by task order basis based upon the specific facts and circumstances.

Question 47: Section L.31 (4) Criterion 4 – Relevant Past Performance states "The offeror shall describe its past performance in performing relevant work" where rest of the text is word for word what appears in the first paragraph for (1) Criterion 1 – Relevant Experience. For Criterion 1, the offeror is directed to use Attachment L-2, Experience and Past Performance Reference Information Form. However, for Criterion 4, there is no direction as to where the offeror is to describe their past performance. Based on the title of Attachment L-2, the offeror could assume that past performance should also be addressed on this same form. If this is the case, then what text, if any, should be provided in the Technical Volume under (4) Criterion 4?

Answer: Offerors should complete only one Attachment L-2 Experience and Past Performance Reference Information Form for each contract identified and include the Attachments L-2 in the Technical Proposal, Volume II, Criterion 1. The information provided on Attachment L-2, Part A will be used for evaluation under both Criterion 1, Relevant Experience and Criterion 4, Past Performance. The information provided in Attachment L-2, Part B, Problems Encountered During Performance will be evaluated only under Criterion 4, Relevant Past Performance. The solicitation will be amended to clarify.

Additionally, Attachment L-2, Part B will be amended to revise "Describe problems encountered and their resolution using corporate capability support and resources" to "Describe problems encountered and their resolution, including use of corporate capability, support, and resources (if applicable).

Question 48: The instructions for Volume II, Criterion 4 provide direction on how to complete Attachment L-2, similar to the directions provided for Criterion 1. Should Offerors provide copies of the completed Attachment L-2 for their projects at both places in the proposal (Criterion 1 and Criterion 4)?

Answer: Offerors should complete only one Attachment L-2 Experience and Past Performance Reference Information Form for each contract identified and include in the Technical Proposal, Volume II, Criterion 1. The information provided on Attachment L-2, Part A will be used for evaluation under both Criterion 1, Relevant Experience and Criterion 4, Past Performance. The information provided in Attachment L-2, Part B, Problems Encountered During Performance will be evaluated only under Criterion 4, Relevant Past Performance. The solicitation will be amended to clarify.

Question 49: Do Attachment L-2 forms have to be re-included in our proposal response to L-31 (4) Criterion 4 – Relevant Past Performance?

Answer: Offerors should complete only one Attachment L-2 Experience and Past Performance Reference Information Form for each contract identified and include in the Technical Proposal, Volume II, Criterion 1. The information provided on Attachment L-2, Part A will be used for evaluation under both Criterion 1, Relevant Experience and Criterion 4, Past Performance. The information provided in Attachment L-2, Part B, Problems Encountered During Performance will be evaluated only under Criterion 4, Relevant Past Performance. The solicitation will be amended to clarify.

Question 50: Section M.5 EMCBC M-1003 Basis for Award. Will the government consider a change to the evaluation criteria weighting to give performance and experience equal weight? The current approach gives greater weight to experience. This gives the impression that having done relevant work is more important than having done it right. We are constantly seeing companies that are having poor performance on high profile DOE contracts being awarded new contracts, sending the wrong message to the small business community. We are confident that DOE's intention is not only to award to companies that have done similar work, but that have also demonstrated good performance.

Answer: DOE is not disregarding the importance of relevant past performance in the evaluation. Past Performance is important to DOE. Offerors are required to provide past performance information as described in L.31(4) Relevant Past Performance for the same contracts provided for evaluation under L.31(1) Relevant Experience as well as any contracts terminated for convenience or terminated for default within the last five years and for problems encountered and corrective actions taken on contracts or subcontracts for requirements similar to the requirements under this solicitation. The current solicitation accurately reflects the relative importance as determined by DOE of the four different criteria.

Question 51: We respectfully suggest that past performance is as or more important than experience and request that DOE reconsiders relative importance of these two items.

Answer: DOE has considered the relative importance of Criterion 1 Relevant Experience and Criterion 4 Relevant Past Performance. DOE does consider past performance to be important; however, the current solicitation accurately reflects the relative importance as determined by DOE of the criteria.

Question 52: Reference: Section L.31(1), Criterion 1 - Relevant Experience.

Question: Are the first two paragraphs defining two different proposal requirements? Paragraph 1 requests that the Offeror describe corporate experience in performing relevant work completed within the last 3 years or currently ongoing that is similar in size, scope, and complexity. Paragraph 2 requests that Offerors complete 3 contracts on Attachment L-2. If these are in fact two separate proposal requirements, is there a page limitation on Offeror's response to Paragraph 1 on corporate experience?

Answer: Section L.31(1) Criterion 1- Relevant Experience -- The first two paragraphs are not two different proposal requirements. Paragraph one instructs the offeror what is to be described and provides guidance defining size, scope and complexity. As described in the second paragraph of L.31(1), all of this information for Criterion 1 is to be provided on Attachment L-2. The second paragraph further provides that the information is to be provided for no more than three contracts for the offeror (or 3 separate contracts for any major or critical subcontractor and if a joint venture or a newly formed entity, 3 separate contracts for each of the members). Additionally, the second and third paragraphs also provide

further instructions regarding what the offeror is to describe and include on Attachment L-2. Please note that Part A of each Experience and Past Performance Reference Information Form is limited to three (3) pages. The offeror shall include any letter(s) of commitment in Volume I in accordance with Section L.30 (b)(5).

Question 53: Please clarify if "relevant size" will be assessed based on the similarity of the role on the past performance project compared to the proposed role on the team when assessing the relevance of a critical subcontractor's submitted contracts/projects?

Answer: The instructions contained in Section L.31(1) for completion of Attachment L-2 Experience & Past Performance Reference Information Form, which is used for the evaluation of Criterion 1, Relevant Experience and Criterion 4, Relevant Past Performance, states in part, as follows:

".... The offeror, any major or critical subcontracts and if a joint or newly formed entity, each member, shall identify its role in the performance of the contract." ... "The experience information provided ... for each of the referenced contracts shall identify the portion of the work (size, scope, and complexity) that was performed by the offeror under each referenced contract. ... The offeror, any major or critical subcontractors, and if a joint venture or a newly formed entity, each member shall also describe the depth and breadth of its role in the management and execution of the experience cited. In addition to the information described above, the offeror shall also clearly identify and define the work to be performed (size, scope, and complexity) by each entity (offeror, major or critical subcontractors, and/or member of joint ventures or LLC) under the Offeror's proposed approach to complete the work identified in the PWS for this solicitation."

Section M.6(1) Criterion 1 states, in part, that "DOE will evaluate the experience of the offeror and any major or critical subcontractors, or in the case of a newly formed entity, each member, with respect to the type of work proposed and commensurate with the portion of the overall work being performed by each entity."

A similar comparison regarding the role of the major or critical subcontractor will be conducted under Criterion 4, Relevant Past Performance. The evaluation of relevancy which includes size, scope, and complexity, will be evaluated in context of the work or role that the entity is proposed to perform under the contract. The solicitation will be amended to clarify.

Question 54: Will the Department of Energy allow an introductory narrative limited to five (5) pages as part of an Offeror's response L.31.(1) Criterion 1 – Relevant Experience?

Answer: Section L.31(1) Criterion 1 – Relevant Experience -- No. Information provided by offerors for evaluation under Criterion 1 Relevant Experience must be submitted on Attachment L-2, Part A. See Section L.31 (1). Reminder, Part A of Attachment L-2, Experience and Past Performance Reference Information Form is limited to three (3) pages. See Section L.31(1), second paragraph.

Question 55: Are offerors permitted to provide a general narrative under "Criterion 1-Relevant Experience" to discuss their overall experience related to the PWS? This narrative would be in addition to providing information on no more than three specific contracts using the Experience and Past Performance Reference Information Form, Attachment L-2?"

Answer: Section L.31(1) Criterion 1 – Relevant Experience -- No. Information provided by offerors for evaluation under Criterion 1 Relevant Experience must be submitted on Attachment L-2, Part A. See Section L.31 (1). Reminder, Part A of Attachment L-2, Experience and Past Performance Reference Information Form is limited to three (3) pages. See Section L.31(1), second paragraph.

Question 56: Reference L.31 EMCBC-L-1004 Proposal Preparation Instructions - Technical Proposal - Volume II (page 70 of 79) Criterion 1 states the following: "...describe corporate experience in performing relevant work completed within the last three (3) years or currently ongoing which is similar in size, scope and complexity to that described in the PWS." Is this 3 year timetable for the *Experience and Past Performance Reference Information Form, Attachment L-2* or does DOE want a summary section (outside of Attachment L-2) that highlights a firm's relevant work experience covering the past 3 years.

Answer: Section L.31 (1) Criterion 1 – Relevant Experience and (4) Criterion 4 – Relevant Past Performance -- Information provided by offerors for evaluation under Criterion 1-- Relevant Experience and Criterion 4 – Relevant Past Performance must be submitted on Attachment L-2, Part A. See Section L.31 (1). Reminder, Part A of Attachment L-2, Experience and Past Performance Reference Information Form is limited to three (3) pages. Additional information pertaining to Criterion 4 – Relevant Past Performance shall be provided in Part B of Attachment L-2. There are no Page Limitations for Part B. DOE does not want and will not evaluate a summary section highlighting relevant experience that is submitted in addition to Attachment L-2.

Question 57: Reference L.31 EMCBC-L-1004 Proposal Preparation Instructions - Technical Proposal - Volume II (page 70 of 79) Criterion 1 – Is the description of corporate experience limited to the information provided on the Past Performance Reference Information Form (Attachment L-2) or can additional corporate experience be described in the Criterion 1 text write-up?

Answer: Section L.31(1), Criterion 1 -- Relevant Experience -- Information provided by offerors for evaluation under Criterion 1 Relevant Experience must be submitted on Attachment L-2, Part A. Reminder, Part A of Attachment L-2, Experience and Past Performance Reference Information Form is limited to three (3) pages. See L-31(1), second paragraph. DOE is not requesting and will not evaluate additional corporate experience described in a text write-up that is submitted in addition to Attachment L-2.

Question 58: L.31 EMCBC-L-1004, Criterion 1 – Relevant Experience, paragraph 3. The RFP states that "In addition to the information described above, the offeror shall also clearly identify and define the work to be performed by each entity under the offeror's proposed approach to complete the work identified in the PWS". Since this requirement is included in the paragraph with instructions for the Experience and Past Performance Reference Information Form, Attachment L-2, it is unclear where in the proposal we are to include our response to this requirement. Are we to provide the response in a narrative within Criterion 1 before Attachment L-2? Please clarify the location of this response in the offeror's proposal.

Answer: Section L.31(1) Criterion 1 – Relevant Experience -- The offeror should not provide a narrative within Criterion 1 as an addition to or before Attachment L-2. See Response to Question 57 above. Information provided by offerors for evaluation under Criterion 1 Relevant Experience must be submitted on Attachment L-2, Part A. Reminder, Part A of Attachment L-2, Experience and Past Performance Reference Information Form is limited to three (3) pages. See Section L-31(1), second paragraph. DOE will not evaluate a narrative that is provided in addition to Attachment L-2.

Question 59: Reference: L.31(1), paragraph 1 "The offeror shall describe corporate experience in performing relevant work completed within the last three (3) years or currently ongoing..."
Reference: L.31(1), paragraph 2 "The offeror shall provide information for no more than three (3) contracts..."
Question: May we address the request for "corporate experience" in paragraph 1 in a narrative prior to providing the three contract descriptions on Form L-2 as requested in paragraph 2?

Answer: Section L.31(1) Criterion 1—Relevant Experience – No. The offeror should not provide a narrative in addition to or prior to Attachment L-2, Experience and Past Performance Reference Information Form. See Response to Question 57 above. Information provided by offerors for evaluation under Criterion 1 Relevant Experience must be submitted on Attachment L-2, Part A. Reminder, Part A of Attachment L-2, Experience and Past Performance Reference Information Form is limited to three (3) pages. See Section L-31(1), second paragraph. DOE will not evaluate a narrative that is provided in

addition to Attachment L-2. Offerors shall include any letter(s) of commitment in Volume I in accordance with Section L.30 (b)(5).

Question 60: Is the Relevant Experience information that the RFP requires in Volume II under Criterion 1 to be provided only in the Past Performance Reference Information Form(s), Attachment L-2? The language of the first paragraph under L.31 (1) Criterion 1 could be interpreted as inviting a description and discussion of all the offeror's relevant experience over the most recent 3 years -- without page limitation -- in addition to the Forms L-2 on specific projects. Please clarify as soon as practicable.

Answer: Section L.31(1) Criterion 1 – Relevant Experience – Yes, the information requested in Section L.31(1) is only to be provided on the Experience and Past Performance Information Form(s), Attachment L-2. Information provided by offerors for evaluation under Criterion 1 Relevant Experience must be submitted on Attachment L-2, Part A. Reminder, Part A of Attachment L-2, Experience and Past Performance Reference Information Form is limited to three (3) pages. See Section L-31(1), second paragraph. DOE will not evaluate a narrative that is provided in addition to Attachment L-2. See Response to Question 57 above.

Question 61: L.31 EMCBC-L-1004, Criterion 4 – Relevant Past Performance. Is there a page limit for Criterion 4 – Relevant Past Performance?

Answer: Section L.31(4) Criterion 4 – Relevant Past Performance -- Part A of Attachment L-2 is limited to three (3) pages (see Section L-31(1), second paragraph); Part B of Attachment L-2 has no page limitation (see Section L-31(1), second paragraph).

Question 62: L.31 EMCBC-L-1004, Criterion 4 – Relevant Past Performance, paragraph 2. Are offerors limited to discussing past performance on the projects submitted on Attachment L-2, Experience and Past Performance Reference Information Form? Can we discuss our past performance on relevant projects other than those submitted on Attachment L-2?

Answer: Section L.31(4) Criterion 4 – Relevant Past Performance -- Offerors are to provide past performance information on the contracts identified by the offeror in Part A, Attachment L-2, Experience and Past Performance Reference Information Form. Offerors are also to provide information requested in Part B, Attachment L-2 regarding contracts terminated for convenience or default and describe problems encountered on the contracts provided in Part A, Attachment L-2. Offerors should submit additional information only if there were problems encountered on contracts or subcontracts similar to the requirements in the solicitation that were not identified in Part A, Attachment L-2 and explain the problems and how resolved. Reminder, Part A of Attachment L-2, Experience and Past Performance Reference Information Form is limited to three (3) pages. Part B has no page limitation.

Question 63: Reference: RFP Section M.6.4, paragraph 5 "The offeror's past performance shall be evaluated based on its ability to demonstrate the following: quality of work (conformance to contract requirements and standards of good workmanship), timeliness..." Question: May we address this Criterion 4 requirement in a narrative as a supplement to the Form L-2 description provided in Criterion 1?

Answer: Section L.31(4) Criterion 4 - Relevant Past Performance -- No. Offerors are to provide information pertaining to past performance on Attachment L-2, Experience and Past Performance Reference Information Form, Parts A and B. DOE is not requesting and will not evaluate a narrative that is provided in addition to Attachment L-2. The solicitation will be amended to clarify.

Question 64: L.31 EMCBC-L-1004, Criterion 4 – Relevant Past Performance, paragraph 4. Is the offeror required to provide the Experience and Past Performance Reference Information Form, Attachment L-2, again in this section since Section B of this attachment includes the information on problems encountered?

Answer: Section L.31(4) Criterion 4 – Relevant Past Performance -- Offerors should complete only one Attachment L-2 Experience and Past Performance Reference Information Form for each contract identified and include in the Technical Proposal, Volume II, Criterion 1. The information provided on Attachment L-2, Part A will be used for evaluation under both Criterion 1, Relevant Experience and Criterion 4, Past Performance. The information provided in Attachment L-2, Part B, Problems Encountered During Performance will be evaluated only under Criterion 4, Relevant Past Performance. The solicitation will be amended to clarify.

Question 65: L.31 EMCBC-L-1004, Criterion 4 – Relevant Past Performance, paragraph 4. Is the offeror required to discuss problems encountered on contracts DIFFERENT from those submitted on Attachment L-2? Please inform offerors whether this requirement is for Attachment L-2 projects, any similar project, or both.

Answer: Section L.31(4) Criterion 4 – Relevant Past Performance -- Offerors shall provide in Part B, Attachment L-2, a list of **any** contracts terminated for convenience or terminated for default within the last five years, regardless of whether listed in Part A of Attachment L-2. The solicitation will be amended to clarify. Additionally, the offeror shall provide information in Part B of Attachment L-2 on problems encountered and corrective actions taken on contracts and subcontracts listed in Part A as well as contracts and subcontracts that are similar to the requirement in the solicitation. Customer or client contact information shall also be included for these contracts or subcontracts also. Reminder, Part B of Attachment L-2 has no page limitations. See Section L.31 (1), second paragraph. The solicitation will be amended to clarify.

Additionally, the information regarding any contracts terminated for convenience and terminated for default plus the information required to be submitted regarding problems encountered on similar contracts can be submitted on Part B of Attachment L-2 as separate submission(s) under Criterion 4—Relevant Past Performance for the offeror and for any major or critical subcontractor and if a joint venture or a newly formed entity for each of the members. Only one Part B of Attachment L-2 should be submitted for the offeror and for any major or critical subcontractor and if a joint venture or a newly formed entity for each of the members, for the above information. The solicitation will be amended to clarify.

Question 66: *Ref: Fourth Paragraph of L.31 (4) Criterion 4* -- Is the requested "information on problems encountered . . . on contracts and subcontracts similar to this requirement" intended by DOE to refer only to those projects addressed in the submitted Form(s) L-2 -- that is, in Part B of that form? Or is it DOE's intent that such information be supplied for any and all contracts/subcontracts that an offeror chooses or deems relevant (along with the required customer contact information for each)? [We recognize that the requirement for a list of any contracts terminated (the second part of that fourth Paragraph under Criterion 4) is without limitation.]

Answer: The offeror shall provide information on problems encountered on contracts and subcontracts similar to this requirement and corrective action taken to resolve those problems. This information is to be provided for the contract identified in Part A of Attachment L-2. . Additionally, the offeror shall provide information on problems encountered on contracts and subcontracts similar to this requirement and corrective action taken to resolve those problems in addition to the contracts provided on Attachment L-2, Part A, under Criterion 4, Past Performance. The solicitation will be amended to clarify.

Question 67: The instructions for Criterion 4 request descriptions of problems encountered and corrective actions taken to resolve problems. Is this referring to the information provided in Part B of each project submitted on the Attachment L-2 forms?

Answer: See answers to Questions 65 and 66 above.

Question 68: The instructions for Criterion 4 request that Offerors provide a list of contracts terminated for convenience or terminated for default in the past 3 years and customer contact information for all contracts listed. Should this information also be provided for major or critical subcontractors? Is there a page limit for this information?

Answer: See answers to Questions 61, 65, 66 above.

Question 69: Please clarify if the response to Volume II, Criterion 1 should consist wholly of the offeror's completed L-2 forms and letters of commitment or should offerors also include a general experience summary to address experience in the PWS areas and/or other requirements. If a general summary is to be included, does it have a page limit and can it include projects in addition to the three for the L-2 forms?

Answer: Section L.31(1) Criterion 1 – Relevant Experience -- The offeror should not provide, and DOE will not evaluate, a general summary in addition to the information provided on Attachment L-2, Part A. See Question 57. Information provided by offerors for evaluation under Criterion 1 Relevant Experience must be submitted on Attachment L-2, Part A. Reminder, Part A of Attachment L-2, Experience and Past Performance Reference Information Form is limited to three (3) pages. See Section L-31(1), second paragraph. DOE will not evaluate a narrative that is provided in addition to Attachment L-2.

Question 70: The instructions for Criterion 4 request that Offerors provide a statement from the major or critical subcontractors to give permission to discuss their past performance information with the Offeror. Should these statements from subcontractors be provided in the section of the proposal in response to Criterion 4? Is there a page limit for these statements from subcontractors?

Answer: Section L.31(4) Criterion 4 – Relevant Past Performance -- Yes, these statements from major or critical subcontractors shall be provided in the Technical Proposal, Volume II, Criterion 4. The statements are not included within the page limitations specified for Volume II. The solicitation will be revised to clarify. Additionally, a proposed major or critical subcontractor may submit a Part B, Attachment L-2, directly to the contracting officer.

Question 71: L-31 (4) Relevant Past Performance states, on Page 73 4th paragraph, "The Offeror shall also provide a list of any contracts terminated for convenience or terminated for default within the last three years. Provide customer contact information for all contracts listed in this section."

We request the following clarifications:

a) We presume that the offeror and its teaming partners shall submit a list of any contracts held by the parent companies and subsidiary companies that were terminated for convenience or default within the last three years, not just those held by the bidding entities. Please clarify.

Answer: The offeror and any major or critical subcontractors and if a joint venture or a newly formed entity, each member, shall provide a list of any contracts terminated for convenience or default within the last three years. The solicitation will be amended to clarify. .

b) Are we required to provide customer contact information only for the terminated contracts or are we required to provide customer contact information for the projects provided in Attachment L-2, Experience & Past Performance Reference Information Form?

Answer: A client point of contact is required for each of the contracts identified in Part A, Attachment L-2. See Part A, Attachment L-2. Additionally, customer or client point of contact information is required for any terminated contracts listed in Part B, Attachment L-2. The solicitation will be amended to clarify.

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Question 72: In submitting the L-4 forms to our evaluators, are offeror's required to attach a completed L-2 form? Or should offeror's just submit the L-4 letter and questionnaire to our evaluators for return to DOE?

Answer: Offerors are not required to submit a completed Attachment L-2, Experience and Past Performance Reference Information Form to client points of contact. Offerors shall provide Attachment L-4, Past Performance Letter and Questionnaire to the client point of contact identified by the offeror on the Experience and Past Performance Reference Information Form, Attachment L-2. Offerors shall be responsible for ensuring that client point of contact completes and returns Past Performance Questionnaire [form Attachment L-4] to DOE in accordance with Section L.31 (4), Criterion 4—Relevant Past Performance, third paragraph.